

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA,
INDIANAPOLIS DIVISION**

**CHICAGO TITLE INSURANCE
COMPANY,**

Plaintiff,

vs.

NICKOLAS W. JEKOGIAN, III,

Defendant.

CAUSE NO. 1:11-cv-768-JMS-DKL

**ORDER TO SHOW CAUSE
to Nickolas W. Jekogian, III**

Plaintiff's Verified Motion Seeking Entry of Order To Show Cause etc. [doc. 111]

In June 2013, the Court entered judgment against defendant Nikolas W. Jekogian, III, in the amount of \$343,301.39. *Final Judgment* [doc. 97]. On August 15, 2013, plaintiff Chicago Title Insurance Company moved for a proceedings-supplemental hearing at which Mr. Jekogian would be required to answer as to any non-exempt property that could be applied to satisfy the judgment and be ordered to so apply such property. *Verified Motion for Proceedings Supplemental* [doc. 98]. That motion was granted and a proceedings-supplemental hearing was set for September 30, 2013. *Order on Verified Motion for Proceeding Supplemental* [doc. 100].

Four days before the hearing, Chicago Title served requests for production and interrogatories on Mr. Jekogian, [doc. 112-1], and it agreed to a postponement of the hearing in return for Mr. Jekogian's promise, conveyed through counsel, to provided

answers and documents in response to the discovery requests, *Motion for Continuance of Proceedings Supplemental Hearing* [doc. 105]. The Court granted Chicago Title's motion to vacate the hearing and ruled that it would be reset on formal request. *Order* [doc. 107 (Sept. 30, 2013)]. By the same order, the Court granted Mr. Jekogian's attorneys' motions to withdraw and noted that he would be proceeding *pro se*. *Id.*

Mr. Jekogian responded to Chicago Title's discovery requests on October 20, 2013. (*Motion to Compel* [doc. 112] ¶6 and Exhibits B-1 and B-2 [docs. 112-2 and 112-3].) In response to Chicago Title's communication of deficiencies in his responses, (*Id.* Exhibit C [doc. 112-4]), Mr. Jekogian provided supplemental responses on December 20, 2013, (*Id.* ¶ 8 and Exhibit D [doc. 112-5]). Chicago Title moved to reset the proceedings-supplemental hearing after Mr. Jekogian did not respond to Chicago Title's further communication regarding continued defects in his responses. *Verified Renewed Motion for Proceedings Supplemental* [doc. 108 (July 11, 2014)]; (*Motion to Compel* ¶¶ 9-11).

The Court set a proceedings-supplemental hearing for August 14, 2014. *Order* [doc. 109 (July 14, 2014)]. Chicago Title filed proof of service of the Court's *Order* on Mr. Jekogian. *Proof of Service* [doc. 110 (August 11, 2014)]. Mr. Jekogian did not appear at the hearing. Chicago Title filed the present motion for an order to Mr. Jekogian to show cause why he should not be held in contempt for failing to appear at the hearing. It also filed a motion for an order compelling Mr. Jekogian to provide fully responsive answers to its discovery requests, which the Court separately has ruled on. Mr. Jekogian has not

responded to either motion. The Court finds good cause to issue the requested order to show cause.

Therefore, the Court **ORDERS** Mr. Jekogian **TO APPEAR on Monday, January 26, 2015 at 10:00 a.m.** in Courtroom 243 in the Birch Bayh Federal Building and United States Courthouse at 46 East Ohio Street in Indianapolis, Indiana and, there and then, to **SHOW CAUSE** why he should not be held in contempt and sanctioned for his failure to appear at the August 14, 2014 proceedings-supplemental hearing. Mr. Jekogian also shall submit, there and then, to examination regarding his property, income, profits, and exemptions, and regarding his responses to Chicago Title's requests for production and interrogatories. By separate order, the Court has ordered Mr. Jekogian to produce sufficient, complete, and responsive answers and documents in response to Chicago Title's discovery no later than Friday, January 16, 2015.

The Court WARNS Mr. Jekogian that, if he fails to appear as ordered, then he will be subject to compulsory process, including civil arrest by the United States Marshal's Service, and a finding of contempt of court with resulting sanctions and punishment.

Chicago Title is directed to serve this order on Mr. Jekogian **no later than Friday, December 12, 2014** and to promptly file proof of same.

Chicago Title's *Verified Motion Seeking Entry of Order To Show Cause for Failure to Appear at Proceedings Supplemental Hearing* [doc. 111] is **GRANTED**.

SO ORDERED this date: December 9, 2014

A handwritten signature in cursive script, reading "Denise K. LaRue", written over a horizontal line.

Denise K. LaRue
United States Magistrate Judge
Southern District of Indiana

Distribution to all ECF-registered counsel of record *via* ECF-generated e-mail.

Distribution *via* first-class mail to:

Nickolas W. Jekogian, III
1430 Broadway, Suite 503
New York, New York 10018